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JURISDICTIONAL DISPUTES RESULTING FROM STRUCTURAL DIFFERENCES IN AMERICAN TRADE UNIONS

BY
SOLOMON BLUM

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JURISDICTIONAL DISPUTES RESULTING FROM STRUCTURAL DIFFERENCES IN AMERICAN TRADE UNIONS

BY

SOLOMON BLUM

A dissertation submitted to the Board of University Studies of the Johns Hopkins University, in conformity with the requirements for the degree of Doctor of Philosophy.

1913

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The almost universal demand of American trade-unions for the union shop, popularly known as the closed shop, takes three forms: first, that only union men of good standing shall be employed and that union conditions of work shall prevail; second, that materials made by union men and under union conditions shall be used; third, that members of the union recognized as the legitimate union for the specified work shall be employed.

The third of these demands involves what are known throughout the trade-union world as jurisdictional or demarcation disputes. These are conflicts between the different unions over the kinds of work to be allotted to each. They are, in other words, the attempt of organized labor to find the "fair" man or the "fair" union that is to be given the particular piece of work. These disputes are comparatively little known outside of the trade-union world and among the employers of union labor. In fact, the trade-unionist himself does not refer to them often outside of conventions and trade-union meetings and conferences with employers.

The employer knows of these internecine disputes at times to his sorrow, at other times to his benefit. The general public, its attention riveted to the better known phases of the union shop question, has either never heard of jurisdictional disputes, or if it has, does not interest itself in what appears to be a "Kilkenny". This lack of knowledge does not betoken lack of import-

ance. There is scarcely a trade-union of size or importance in the United States which has not had one or more jurisdictional disputes—many of them serious and at times involving the life of the union itself.

For the last decade their adjustment has been one of the chief concerns of the Executive Council of the American Federation of Labor, to say nothing of the numerous conference committees of the individual unions, which with varying success have been considering these questions. Furthermore, with no question has organized labor up to this time been so helpless.

Jurisdictional disputes result from: (1) Similarity of craft technique, which renders accurate demarcation between crafts difficult. (2) Changes in the technique of industry, which transforms the skill requirements of a particular kind of work and thus brings a new group of workers into competition for it. (3) The introduction of new commodities, which either partially or entirely supersede the older commodity. (4) Political, social and geographical divisions among workers in the same craft, resulting in the formation of dual unions. (5) Personal ambition and jealousy of leaders of different factions. (6) Structural differences of unions, which may be the result of any one, or any combination, of the foregoing causes of dispute.

It is my purpose to discuss jurisdictional disputes arising from structural differences of the unions. These disputes center around the industrial union.

The completed and perfected form of the industrial union gathers into one union, not only all the subdivisions of a craft, but all the trades directly associated with the industry. Thus, the Brewery Workmen, not content with the control of the men directly employed in the process of beer-brewing, have organized the bottlers, coopers, painters, teamsters, freight-handlers, engineers and firemen, in short, every manual workman employed in or about the brewery. For years the Longshoremen, an industrial union, made no attempt to extend its jurisdiction beyond actual longshore work, but in 1902 this union extended its jurisdiction into that claimed by the Seamen. The Seamen themselves have conflicted with the Hotel and Restaurant Employees in their demand for jurisdiction over cooks and stewards on

shipboard. The United Mineworkers insist on controlling the engineers and firemen.

It is simple enough to recognize the above-mentioned unions as industrial, but what is to be said of the numerous unions which, though not completely industrial, show industrial tendencies? It is a most unnatural distinction to call the United Mine Workers an industrial union because it has affiliated the engineers and firemen, and on the other hand to call the Butcher Workmen, Carriage and Wagon Workmen, Wood Workers, Piano and Organ Workmen, etc., trade or craft unions because they have not affiliated all the subsidiary trades. The Butcher Workmen as a type union is certainly closer in structure to the Brewery Workmen than it is to the Bricklayers and Masons. It is necessary, therefore, to classify this great and growing group of unions as semi-industrial rather than as craft unions.

Furthermore there are certain unions, which in their main design are properly considered craft unions, which have shown and continue to show industrial tendencies. Thus when the United Brotherhood of Carpenters and Joiners attempts to control sash and trim work made in shops by machinery, it is unquestionably changing the boundaries of the carpenters' and joiners' trades. The International Typographical Union after the introduction of the linotype succeeded in affiliating the machine tenders of the linotype, after a struggle with the Machinists' Union. Certainly from purely craft considerations the machine tenders in printing shops belonged to the Machinists' Union.

Enough has been said to indicate that there are three types of unions which show a tendency to industrialization:

(1) The perfected type, which attempts to include all those working directly upon the product, together with the subsidiary trades.

(2) The "trade amalgamation," which attempts to organize into one union all or most of the crafts making up the trade, but not all the subsidiary crafts, e.g., Carriage and Wagon Workers, Piano and Organ Workers, and Car Builders.

(3) The trade or craft union which shows industrial tendencies, e.g., Carpenters and Joiners.

We will first consider the disputes caused by the perfected type. It will be noted that, with the exception of the dispute between the Seamen and the Longshoremen, the conflicts have been between the industrial and the craft union.

In the controversy between the International Longshoremen, Marine and Transport Workers Association and the International Seamen's Union of America we have an illustration of two industrial unions fighting each other. The Seamen defined their jurisdiction as follows: "The word Seamen shall be interpreted to include all unions whose members make a living by following the sea, lake, or river in any capacity in steam or sailing vessels."[1] Prior to July 1, 1902, the title of the Longshoremen's Association was International Longshoremen's Association. It was then changed to the International Longshoremen, Marine and Transport Workers Association.[2]

This change of name marked the culmination of the policy of expansion of this association. We can trace with comparative ease the increasing scope of the union. In 1899 the craft included lumber handlers, ore trimmers, coal unloaders, grain handlers, hoisters and engineers, freight handlers and miscellaneous longshore workers.[3]

It will be noted that while including all longshore work, and though highly industralized, there is no trade included which conflicts with other unions except engineers. In 1900, not taking into account some minor subdivisions of crafts already affiliated,[4] there was no general expansion of jurisdiction. In the following year we have the first definite intimation of the policy of expansion of the Longshoremen. "There are to-day several organizations of maritime workers, namely: The International Seamen's Union, the Marine Engineers' and Pilots' Association. While

[1] Art. 1., *Seamen's Constitution,* 1902.
It was recognized by the Seamen that Master Pilots and Marine Engineers could not be "trade unionists in the accepted sense", but the Seamen desired them to be on terms of mutual helpfulness.—*Seventh Convention Seamen,* 1902, pp. 22, 23.

[2] *Convention of Longshoremen,* 1902, p. 152.

[3] *Convention of Longshoremen,* 1899, pp. 16, 17, 18.

[4] *Convention of Longshoremen,* 1900, pp. 32–35. Hard and soft coal trimmers were separately organized and marine firemen were admitted. The admission of the latter caused the first dispute with the seamen. *Convention of Longshoremen,* 1900, p. 74. The protest of the seamen came to nothing.

these organizations of separate interests may be beneficial as a start along the lines of organizations, yet there is danger ahead by the lack of uniformity of the interests and the division of these branches into separate bodies.'' And again: ''Regarding the future extension of our organization it is essential that we look upon it in a practical businesslike manner. It is necessary that we reach out and gather allied interests, so that instead of several organizations struggling for better things there ought to be but one concentrated body under whose direction Maritime Workers shall operate. Let us be wide awake and unite all branches of marine employees and turn to good account the energy previously wasted in strife and persecution.''[5] At the following convention the name of the organization was changed to the International Longshoremen, Marine and Transport Workers' Association, thus assuming most of the functions of the Seamen's Union.[6] The secretary puts the case forcibly: ''I have always advocated expansion of our interests in every convention that our association has held. I maintained the necessity of organizing every man that was engaged in our different vocations. My advice was carried out and the jurisdiction extended until to-day we stand as the most progressive association in the world whose principles and objects declare us to be an 'Industrial Association.' We are the center of maritime commerce. As a business proposition we ought to continue the work of the organization along the lines laid down by preceding conventions.''[7]

The convention of the American Federation of Labor in 1902 and 1903 refused to sanction the change in name. In referring to the change the executive council spoke of it as ''an act of bad faith—calculated to mislead the public.''[8] The Longshoremen continued to organize seamen under their jurisdiction. The committee on resolutions of the A. F. L. in the next con-

[5] *Convention of Longshoremen,* 1901, p. 49.

[6] *Convention of Longshoremen,* 1902, p. 152.

[7] *Convention of Longshoremen,* 1903, p. 90. At this convention (p. 198) President Keefe suggested a federation of maritime interests wherever feasible and especially among the workers on the Great Lakes. ''To meet annually or as often as the occasion demands for the consideration of such matters as concern all the workers and organizations in which we have a mutual or common interest.''

[8] *Proceedings American Federation of Labor,* 1903, p. 251.

vention in considering the proposition held that technically the Seamen's position was impregnable but that as the Longshoremen had developed a strong organization of marine and transport workers they should hold them within their jurisdiction. A minority report was presented and the convention refused to uphold either the majority or the minority and the decision was left open till the following convention.[9] The Longshoremen decided to give up the objectionable title, provided that is was "not to be construed that the change means giving up of any local of members of the Longshoremen." Any jurisdictional trouble which should arise in the future was to be settled by the officers of the two organizations.[10]

The conflict of the United Mine Workers of America and the Coal Hoisting Engineers is a typical dispute between an industrial and a craft union. The United Mine Workers claim jurisdiction over all persons working at or around the mines. This naturally includes the Coal Hoisting Engineers. The engineers, owing to their strategic importance and to the fact that they have always considered themselves a separate craft, have demanded an organization distinct from the United Mine Workers. With the exception of this organization the United Mine Workers have been in the main free from disputes of this sort. The other crafts working at the mines have recognized that one agreement-making body can far better preserve the interests of all concerned than twenty or more organizations each representing a small body of men and subject to the vicissitudes to which all small bodies are liable in dealing with large employers. In 1900 the first intimation of conflict between the two organizations is noted. It came in the form of a resolution that a committee of the two organizations should reach some understanding in relation to transfer cards and other matters that might come up in conference.[11] At this time it was realized

[9] Andrew Furuseth, President of the Seamen's Union, asserted that trade autonomy should be observed. He ignored the industrial character of the Seamen's Union. Walter Macarthur of the Seamen's Union stated that the line of demarcation was tacitly understood to be the line that separates the vessel from the dock, in other words, the line between land and water. See *Proceedings American Federation of Labor*, 1904, pp. 244–259.

[10] *Proceedings American Federation of Labor*, 1908, p. 255.

[11] *Convention Proceedings Coal Hoisting Engineers*, 1900, pp. 13, 16, 17.

that the connection between the two unions was very close, and the Coal Hoisting Engineers presented a draft of an agreement to the United Mine Workers which provided that the opening and termination of their contract year should be April first, to correspond with that of the United Mine Workers, and that no strikes should be called at any other time than April first except to enforce a signed agreement. In the event of trouble between the engineers and employers the case was to be taken up by the local officers of the two organizations and in the event of failure to agree, it was to be referred to the state or national official before cessation of work. In the event of any trouble between the United Mine Workers and Operators which necessitated the suspension of work, the Coal Hoisting Engineers would not hoist any coal mined by non-union labor for the market or for the company's plant unless union labor was employed. The United Mine Workers were to agree that they were not to produce coal which was to be hoisted by any organization but the Coal Hoisting Engineers. Any member in good standing in the Coal Hoisting Engineers who desired work at his vocation under the jurisdiction of the United Mine Workers was to be admitted upon deposit of a transfer card in lieu of his initiation fee. Similarly any member of the United Mine Workers might become an engineer. These proposals were not accepted by the United Mine Workers, who held out for an unconditional surrender.[12]

The contention between the two organizations had now reached an acute stage. In the autumn of 1900 a strike was begun by the engineers in Indiana. The miners refused to help the engineers and the strike was lost. The miners then attempted to force the engineers into their union. Before calling this strike the engineers verbally notified President Van Horn of District No. 11 of the action they had taken and asked him if anything further was to be done or whether he had any suggestion to offer. He answered that everything possible had been done to avert a strike. Four days after the strike had been called President Van Horn issued an order to the Mine Pitmen's committee instructing them to go to the engineers and ask them to return to work. If the engineers refused they were to go to work with

[12] *Journal, Coal Hoisting Engineers,* vol. III, no. 2, January, 1904.

any competent engineer whom the company might see fit to hire. If he was a union man, they were to take him into their organization on his card; if he was not a union man, to take him anyhow. This broke the strike and the men went back to work.[13] In the following year the president of the Coal Hoisting Engineers reported that no agreement had been reached between the two organizations but that the United Mine Workers of the Illinois region had given up their claim to the engineers. In other states, however, the engineers were forced into the miners' union.[14]

A decision on this question was given at the convention of the American Federation of Labor in 1901. The miners and coal hoisting engineers were not mentioned specifically but by implication.

> "As the magnificent growth of the American Federation of Labor is conceded by all students of economic thought to be the result of organization on trade lines . . . we declare that as a general proposition, the interest of the workers will be best conserved by adhering as closely to that doctrine as the recent great changes in the method of production and employment make practicable. However, owing to the isolation of some few industries from thickly populated centers, where the overwhelming number follow one branch thereof, and owing to the fact that in some industries comparatively few workmen are engaged over whom separate organizations claim jurisdiction, we believe that the jurisdiction in such industries by the paramount organization would yield the best results to the workers therein; at least till the development of organization of each branch has reached a stage wherein these may be placed without material injury to all parties in interest in affiliation with their national trade unions."[15]

This decision, adverse as it was to the Coal Hoisting Engineers, was unheeded by them. The Coal Hoisting Engineers refused to understand the decision as applying to themselves.[16]

At the convention of the American Federation of Labor in 1903, the Coal Hoisting Engineers protested against the United Mine Workers. The executive council decided that the Coal Hoisting Engineers should become part of the United Mine

[13] *Convention Proceedings Coal Hoisting Engineers,* 1901, p. 10.

[14] *Ibid.,* 1902, p. 7.

[15] *Convention Proceedings American Federation of Labor,* 1901, p. 240. Report of Special Committee on Autonomy. This Committee was composed of Samuel Gompers, James Duncan, John Mitchell, President of the United Mine Workers, John Mulholland and C. N. Hughes.

[16] *Journal Coal Hoisting Engineers,* vol. III, no. 1 (Dec. 1903) p. 11.

Workers of America and that they should be admitted without the payment of initiation fees.[17] The engineers took a referendum vote upon the question which resulted in an almost unanimous vote against accepting the decision of the American Federation of Labor. The Federation then expelled the Coal Hoisting Engineers.[18] Though the decision of the American Federation of Labor revoking the charter of the Coal Hoisting Engineers did not, of itself, end the union, the effect of the decision was almost immediately apparent The suggestion was made to confine the organization to Illinois.[19]

Difficulty was experienced in reaching an agreement with the operators of Illinois, owing to the jurisdictional troubles, and in Indiana no agreement was signed with either organization till the question of jurisdiction was decided. The United Mine Workers now control the work in most of the coal mines.[20]

The United Brewery Workmen of America has had more jurisdictional disputes than any other union of the perfected industrial type. When miners, longshoremen or seamen are spoken of there is a certain idea conveyed as to what work is indicated. There is a preponderating number of men who are understood to be miners, longshoremen, etc., and from purely craft considerations could belong to no other unions. With the brewery workmen the conditions are different. There is to be sure, brewers' work, such as is done by the men who mix the malt and hops, and who attend the fermentation process; but these do not by any means include a preponderating number of men who work in or around the brewery. Bottlers, coopers, painters, carpenters, engineers, firemen, teamsters, and general laborers form a majority of workmen around all breweries. The Brewery Workmen wish to assimilate all these trades under their own organization, and they have had trouble with every class, save the general laborers, who have no separate union.

The United Brewery Workmen's Union was organized in 1887. Its first dispute was with the coopers. The coopers demanded all cooperage work around the breweries; this was to include new

[17] *Convention Proceedings Coal Hoisting Engineers,* 1904, p. 3.

[18] *Ibid.,* p. 4.

[19] *Ibid.*

[20] *Journal Coal Hoisting Engineers,* vol. III, no. 5 (April 1904), pp. 8, 9.

work and repair work alike. In the Convention of the American Federation of Labor in 1897, the Coopers complained that the Brewery Workmen had been repeatedly upheld in the examining of beer packages and that the Coopers claimed the right to perform the work. They further alleged that an unjust boycott had been placed by the Brewery Workmen on ale and porter coming from Albany and Troy.[21]

During the year so many disputes had taken place between the two organizations that the American Federation of Labor requested them to appoint joint conference committees.[22] These conferences were ineffective and in the following year the president of American Federation of Labor appointed three men to hear evidence and to make recommendation as to which union should have the right to prepare loose cooperage in the breweries. The recommendations were, that where there was sufficient cooperage in the breweries to require the entire time of the coopers, these workers necessarily belonged to the Coopers' Union. When the cooperage work did not require the entire time of the cooper all coopers who did this work should belong to the Brewery Workmen. In spite of this decision the Brewery Workmen refused to surrender their jurisdiction over the coopers.[23] The Coopers further protested that in some factories the tightening of hoops on loose cooperage packages was being done by members of the Brewery Workmen. This contention was not upheld, as the specified work was implied in the decision of the year before, but it was held that all repairing and new work should be done by the members of the Coopers' Union. Thus the case stands. In the convention of the American Federation of Labor, 1901 and 1902, the protests of the coopers continued, but the decision remained unchanged.[24] In the convention of the American Federation of Labor, 1905, the question again arose, the coopers asserting that in certain breweries there was sufficient work in driving hoops in cellars and wash houses to keep a man or men busy and that members of the International

[21] *Convention Proceedings American Federation of Labor,* 1897, pp. 36–53.
[22] *Ibid.,* 1897, p. 99.
[23] *Ibid.,* 1899, p. 55.
[24] *Ibid.,* 1901, pp. 127, 245, 254, 255; 1902, pp. 83, 92, 131, 195.

Coopers' Union were not employed. The American Federation of Labor refused to reopen the case at that time. The Brewery Workmen seem to be forcing the Coopers' Union out of breweries either by assimilating its members or by putting new men in their places.

Though the dispute with the coopers was the first in which the brewery workmen were engaged, it is by no means the most important, either in the number of men involved or in the vigor with which it has been fought on both sides. In 1896 the National Union of Steam Engineers was organized and affiliated with the American Federation of Labor.[25] Two years later the Stationary Firemen organized nationally.[26] Almost immediately a jurisdictional dispute arose between these two unions and the Brewery Workmen. It is important to consider this controversy in some detail, as it brings out very clearly the principles involved and the danger of these conflicts. The charter of the Brewery Workmen under the American Federation of Labor is very broad. By it the union is empowered and authorized to initiate into its membership any person or persons in accordance with its own laws and to conduct the business affairs of the said union in compliance with the best interests of the trade and labor movement in general. At their first convention of 1887 beer drivers, malsters, brewery engineers, and brewery firemen were represented and it was voted to amalgamate these various branches.[27] In an agreement between the Engineers and Brewery Workmen in 1899 the latter conceded the engineers working in breweries to the union of their craft. This agreement was not lived up to, as the Brewery Workmen not only retained engineers as members but continued to admit them to their organizations.[28] In 1900 it was reported that the Brewery Workmen retained engineers, firemen, machinists, team drivers, coopers and painters as members of their union and were preventing them from forming the legitimate unions of their own trade. These numerous and important struggles led to a decision in all these cases by the griev-

[25] *Convention Proceedings American Federation of Labor*, 1896, pp. 33, 79.

[26] *Ibid.*, 1898, pp. 22, 134, 135.

[27] *A Plea for Justice. A Plea for Right*, p. 8. Pamphlet of Brewery Workmen issued at the New Orleans convention, American Federation of Labor, 1902.

[28] *Convention Proceedings American Federation of Labor*, 1899, p. 55.

ance committee of the American Federation of Labor. Despite these decisions the Brewery Workmen continued in their attempt to assimilate the firemen and engineers. The struggle reached its climax in St. Louis in 1903. According to a decision rendered in 1902 by the American Federation of Labor it was provided that engineers and firemen should have control of their trades, and that a committee from the three organizations and the American Federation of Labor should draw up an agreement for an adjustment for future difficulties.[29]

This was done in January of 1903. Immediately the Brewery Workmen called a special convention and so changed the agreement as to make it meaningless. At the Toronto meeting of the executive council of the American Federation of Labor the legality of the decision of the federation was denied by the Brewery Workmen, but their contention was not sustained. At this meeting the Engineers and Firemen demanded that the charter of the Brewery Workmen be revoked. The executive council denied this demand, but stated that the causes of the constant strikes and lockouts were due primarily to the unwise course pursued by the United Brewery Workers International Union in rejecting and acting in violation of the advice and decision rendered as the result of the experience of the labor movement. This admonition had no effect and an organizer of the American Federation of Labor was sent to St. Louis to effect a settlement. The Engineers and Firemen stated that for some time prior to August 25, 1903, they had a majority of men in the trade. They attempted to put agreements into force with the St. Louis Brewers' Association, but were refused. The Anheuser-Busch Brewery Company suggested that a meeting be held to meet the representatives of the two unions and if the Brewers' Association refused to do business with the unions the independent brewers would. When the time set for the meeting arrived, the Engineers and Firemen found that the Brewery Workmen were already in conference with the association. After waiting an undue length of time, the Firemen and Engineers withdrew. The next day the Engineers and Firemen visited the individual

[29] *Convention Proceedings American Federation of Labor*, 1900, pp. 67, 68, Executive Council's Report. Report of Grievance Committee, pp. 147, 148. The decisions were unfavorable to the Brewery Workmen.

breweries and demanded that the agreements be signed. When this was refused the men were called out in the engine and boiler rooms and their places were taken by members of the United Brewery Workmen. The Brewers' Association took the position that the Brewery Workmen did not consider the decision of the American Federation of Labor final and that until the controversy was settled once and for all the association would stand neutral. The Brewers' Association finally agreed to do business with the Engineers and Firemen, provided the American Federation of Labor would guarantee to fill the places of the Brewery Workmen in the event of a strike by them. (The Brewery Workmen had threatened to strike unless they were given exclusive control of the breweries.) The American Federation of Labor, of course, refused to guarantee this; and in consequence no agreement was entered into by the association with the Engineers and Firemen.[30]

No settlement having been made either of the St. Louis controversy or the general question of jurisdiction, the case was continued in the 1904 convention of the American Federation of Labor. The executive council's recommendations, which were concurred in by the grievance committee and the convention at large, included not only firemen and engineers, but also teamsters. The teamsters working on brewery wagons had grown in numbers and had perfected an organization. The committee decided that the following be substituted for all past agreements and decisions, and be made the basis for working agreement between the organizations involved: all brewery employees, members of the United Brewery Workers' Union, might remain such provided that all firemen, engineers and teamsters affiliated with it might withdraw without prejudice to themselves. In the future the Brewery Workmen were not permitted to admit any of the above-mentioned trades into their organization. On the other hand these trades were supposed to conform to the laws, rules and regulations to which the majority of employees of the brewery belonged.[31] The executive council reported to the con-

[30] *Convention Proceedings American Federation of Labor,* 1904, Executive Council's Report, pp. 77–83.

[31] *Ibid.,* 1904, pp. 225–229.

vention of the American Federation of Labor, 1905, that it had made every effort in its power to adjust the grievances in accordance with the instruction of the preceding year. "But found it exceedingly difficult, aye, impossible; in fact, the matter took on aggravated form, particularly in Philadelphia where we authorized one of our members to make an investigation and endeavor to carry out the decision. Nor had the Brewery Workmen withdrawn their members in the city of St. Louis and Belleville."[32] The executive council then appointed Mr. Adolph Strasser to make a thorough investigation. Mr. Strasser's investigation disclosed the fact that all of the organizations had violated the mandates of the convention of 1904, the Engineers and Firemen by negotiating with proprietors of breweries in Milwaukee in reference to wages and hours when they should have acted conjointly with the Brewery Workmen; the Brewery Workmen by continuing to admit engineers and firemen in St. Louis, Fayette City, Pennsylvania, East Liverpool and San Diego. They had also negotiated with brewery proprietors of Omaha for new contracts without consulting the Engineers and Firemen. Thus all the unions had made themselves liable for expulsion. Mr. Strasser advised that no grievance or dispute, with the exception of charges of scabbing, be entertained for a period of three years. However, Mr. Strasser found that Brewery Workmen had taken the places of striking engineers and firemen in St. Louis and Belleville and recommended that the union be suspended from the American Federation of Labor for a period of two years.[33] The executive council did not feel that it had authority to suspend the union and urged the three unions to confer and abide by the result of arbitration. The Engineers and Firemen agreed to this but the Brewery Workmen refused to comply.[34] After a heated discussion, the convention reaffirmed the decision of the 1904 convention. The executive council in 1906 reported that the controversy was continuing with unabated violence and that they had not succeeded in adjusting the difficulty.[35] The Brewery

[32] *Proceedings American Federation of Labor*, 1905, Executive Council's report, p. 66.

[33] *Ibid.*, pp. 70–71.

[34] *Ibid.*, 1905, p. 226.

[35] *Ibid.*, 1906, pp. 72, 73.

Workmen did not evince any conciliatory spirit. In Columbus, Ohio, the City Central Trade and Labor Assembly admitted dual unions of Engineers and Firemen antagonistic to the unions of that craft and were expelled from the federation for so doing. In New Orleans engineers, firemen and teamsters had agreements with the employers which the Brewery Workmen urged the employers to break. When this was refused the Brewery Workmen ordered a strike to force the employers to enter an agreement with them. Many of the brewery workmen refused to obey the strike order and applied for an independent brewery workers' charter from the American Federation of Labor. On June 1, 1907, the charter of the Brewery Workmen was revoked.[36] The Brewery Workmen were not without their friends at the convention of the American Federation of Labor, 1907. A resolution was introduced by a delegate of the United Mine Workers, an industrial union, condemning the action of the federation and demanding the reinstatement of the Brewery Workmen and denying the right of the American Federation of Labor to expel an international union. On a motion of President Gomper's the Brewery Workmen were reinstated, provided they held another conference and agreed to abide by the decision of 1906.[37] The suspension had lasted only five months. The Brewery Workmen were readmitted on promising to abide by the decision.

The year 1908 was an eventful one in the dispute. In January, 1908, the Brewery Workmen proposed that all brewery engineers and firemen who were at that time members of the Brewery Workmen should remain such and that in all localities where the Brewery Workmen had contracts with the brewery proprietors covering engineers and firemen the jurisdiction should not be disputed and where engineers and firemen had contracts they should not be interfered with. Further a joint conference board was suggested. This proposition was refused as under its terms the Brewery Workmen did not permit the withdrawal of firemen and engineers from brewers' unions. The executive council maintained the position of the convention of 1906. In November, 1908, the Brewery Workmen and Engi-

[36] *Proceedings American Federation of Labor,* 1907, pp. 78–81. Executive Council's Report.

[37] *Ibid.,* 1907, pp. 274–279.

neers entered into an agreement that all hostility should cease, adopting the original proposition of the Brewery Workmen with the proviso that in October, 1910, the engineers in breweries should take a referendum vote as to whether they preferred to remain members of the Brewery Workmen's Union. Further, each union might initiate members, and teamsters should be conceded to the Brewery Workmen. This agreement was submitted to the executive council.[38] At the opening of the convention of 1909 negotiations were still in progress with the firemen and teamsters.[39] The convention decided that the Brewery Workers and rival unions should cease hostilities for one year upon the following terms: first, all employees then members of the Brewery Workmen, Teamsters, or Stationary Firemen, should continue membership in separate organizations during the period of truce; second, they might regulate agreements without interference from any union; third, where more than one of the international unions had separate wage contracts governing the employees in a brewery they should jointly negotiate new wage agreements.[40] The year 1909–1910 was one of comparative peace; the only place where the dispute continued was in New Orleans. The referendum provided for in the agreement with the engineers resulted: for withdrawal from brewers and joining engineers, 62; against withdrawal, 1092; blanks, 5.

For the present the dispute seems to be settled favorably to the industrial union. The Federation of Labor's policy was marked by the greatest vacillation. It is difficult to see how their mediation has been of great moment, though it is probable that the conferences and conciliatory efforts had a certain moral influence in bringing about an adjustment. Certainly the attempt to maintain the principle of trade autonomy was an absolute failure. This principle seems to have little influence over the men when compared to the higher efficiency of a well-organized industrial union.

In disputes with industrial unions the craft unions have not usually been successful. The nature of the industries which have this type of union accounts for this. The miners work in

[38] *Proceedings American Federation of Labor*, 1908, pp. 207–213.
[39] *Ibid.*, 1909, p. 74.
[40] *Ibid.*, 1909, pp. 300–301.

an industry which is in the main separated from other industries. The miner does not live in large industrial centers but in hamlets, villages, and camps. The strength of his miners' union depends upon its ability to act as a unit. But more important than this the various trades represented in or around a mine are not large or powerful enough to form a local which can be of weight in a collective bargain. A miners' local is a district; consequently even such important crafts as the engineers have by the condition surrounding the industry been forced into the Miners' Union.

The Seamen's Union, while its locals may be in large centers of industries, attempts to organize an industry whose conditions are different not only legally but industrially from any other. The relationships of all men on shipboard are closer than they would be to the craft to which they would belong if they were on land. The Brewery Workmen have completely organized their craft under one union, largely because of the socialistic bent of its members and leaders, which probably would have determined its structure if the industry had not been adapted to this form of organization. Another reason for the necessity of industrialization in these industries is the large proportion of the unskilled who work at the trade. The longshoremen before they attempted to control the seamen were almost entirely composed of unskilled men. The seamen themselves have a large quota of this class. Among the miners the unskilled are in a great majority. Among the brewery workmen the proportion of unskilled to skilled is large. The great body of the unskilled require the strengthening influence of a comparatively few skilled men. On the other hand, the skilled men, especially in the segregated industries, while large *in toto,* are small taken trade by trade in a given locality, and are not usually in the strategic position that they would be in a large local or in a well organized city. Therefore the tendency to industrial unions comes from the skilled as well as from the unskilled. Even such important classes as the engineers and firemen have not been able to withstand the well-organized industrial union. In the industrial union the similarity of class interest seems to be more clearly apparent than in the craft union.

The trade amalgamation is organized upon the assumption that all crafts which work directly upon the product, no matter what differences there are in technique, should be organized under one union. These unions do not pretend to organize all the subsidiary crafts. It is not always possible to make a logical distinction between the trade amalgamation and the perfected industrial. Thus the Butcher Workmen, while not attempting to control teamsters, meat freight handlers, engineers or firemen, have demanded jurisdiction over meat salesmen in butcher-shops and grocery stores against the opposition of the Union of Retail Clerks.[41] Similarly the Bakers and Confectioners, while not demanding the other subsidiary trades, wish to assimilate the bakery salesmen. It is quite possible to consider the trade amalgamation as the perfected industrial in process of development. At the present time the number of trade amalgations far exceeds that of the perfected industrials, and it is not usually difficult to distinguish between them. Jurisdictional disputes with trade amalgamations have taken place:

1. Between two trade amalgamations. (In this case one of the trade amalgamations raises the issue of "craft autonomy").
2. Between the trade amalgamation and the craft union.

In conflicts between trade amalgamations one union always assumes the craft argument as opposed to the industrial argument. Thus the Amalgamated Woodworkers in their conflict with the Carriage and Wagon Workers and Piano and Organ Workers assert control over woodworkers in shops controlled by the latter unions. The Amalgamated Woodworkers is a trade amalgamation supposed to include all machine and shop workers on wood. Naturally, the scope of its jurisdiction is enormous, varying from the most skilled man to the worker on cheap furniture. The Carriage and Wagon Workers and the Piano and Organ Workers wish to control all those who work directly on the product. When they assert their claim to woodworkers in these trades they assume the industrial union argument as opposed to the craft argument of the woodworkers. Similarly the Rubber Workers, a trade amalgamation supposed to include all rubber

[41] *Proceedings American Federation of Labor*, 1902, p. 205.

workers, assumes the craft union's position to all intents and purposes when in conflict with the Boot and Shoe Workers.

The first dispute of this sort which I have found was that between the International Furniture Workers of America and the Machine Woodworkers International Union. The constitution of the "Society Harmonica," Chicago, 1876, included every workman of good character employed in the furniture trade, viz: cabinet-makers, carvers, piano-makers, turners, varnishers, finishers, upholsterers, machine workers, gilders, etc. This jurisdiction is now represented by five distinct unions. So far as I am able to discover, no jurisdictional dispute arose with another trade amalgamation till the formation of the Machine Woodworkers International Union in 1890. This union was intended to include an unlimited number of local unions "composed of molderhands, sawyers, fumers and all kinds of competent machine woodworkers." This organization, therefore, attempted to take in a large proportion of the members of the Furniture Workmen. In fact, it included the great bulk of workers, for by this time the greater part of furniture was being made by machinery. In a pamphlet issued later than 1892 (the precise date cannot be determined) the Furniture Workers refer to the Machine Woodworkers as follows: "To the credit of the Machine Woodworkers International Union be it said that they have with great energy worked so unresponsive a field; having to deal with a material that can with far more ease be interested in baseball than in the more serious work of the labor movement, they have done exceedingly well. . . . . We have good reason to welcome the formation of this body."[42] The main contention of the Furniture Workmen was with the Brotherhood of Carpenters and Joiners; consequently the details of the fight with the Machine Woodworkers are obscured. In the 1894 convention a series of resolutions was drawn up for the purpose of bringing about a better understanding between the two bodies. They provided:

I. In localities where there is a Machine Woodworkers Union affiliated with the National Furniture Workers Union, the Machine Woodworkers International Union shall refrain from

[42] Pamphlet entitled, *Condition of the Woodworkers of the United States of North America,* 1892(?).

organizing a union of its own, and in localities where there are machine workers belonging to a local union of the International Furniture Workers Union, the Machine Woodworkers International Union shall organize a union only by consent of such local union.

II. In localities where there exists a Machine Workers Union affiliated with International Furniture Workers Union, and where the Machine Woodworkers International Union has organized one also, the members of such unions shall be transferred to the older unions.

III. When there is no Machine Woodworkers Union affiliated with the International Furniture Workers Union, the latter shall make no effort whatever to organize one, but, on the contrary, shall assist the Machine Workers International Union in the work of organizing by every means possible.

This agreement was adopted by the Furniture Workers.[43] In 1895 the Amalgamated Woodworkers International Union was formed to consist of "an unlimited number of local unions composed of trustworthy and industrious mill and factory woodworkers."[44]

The dispute between the Piano and Organ Workers and the Amalgamated Woodworkers International Union was an inheritance of the latter union from the International Furniture Workers, though it is probable that it would have arisen *de novo* when the national organization of the Piano and Organ Workers was affected in 1898. The Piano Workers before this time had been in locals with the Furniture Workers.[45] In a pamphlet entitled, "The Conditions of the Woodworkers of the United States of North America," the following is said of the Piano Workers:

"A peculiar specialty of the woodworkers of America are the pianomakers. They are in many respects separated and stand aloof from the great body of American labor, although emigration of firms from the large cities to smaller towns is in that calling hardly perceptible. New York, Boston, Chicago and Baltimore completely control the market and although

[43] *Convention Proceedings of International Furniture Workmen*, 1894, p. 21.

[44] *Constitution of Amalgamated Woodworkers International Union*, 1896, sec. 3.

[45] *Proceedings of Convention of International Furniture Workers*, 1894, pages 5, 12, 13 mention affiliated locals of Piano-Makers in New York, Baltimore and Canada.

a firm from Philadelphia has gone to New Jersey and some New York firm to Erie, Pennsylvania, and New Haven, Connecticut, we may not for some time to come expect to see conditions resembling those prevailing in the manufacture of cheap furniture.''

And again:

''The organization of the United Piano-Makers is in the main confined to New York, there being but few lodges outside of this city. Its membership has for a long time been stationary, has even declined and with it, of course, the wages and general conditions of the trade, . . . If this organization does not mend its ways soon, it will lose the last remnant of its prestige.''[46]

In 1898 the organizer of the Piano and Organ Workers International Union of North America notified the general secretary of the Amalgamated Woodworkers that that organization was going to make application to the American Federation of Labor for a charter. In order to avoid a conflict with the Woodworkers a conference was suggested. On March 20, the Woodworkers' council of Chicago submitted an agreement which it had made with the Piano Workers. This provided that all cabinet-makers and finishers at work in piano factories who were less than two years in the Amalgamated Union at the date the agreement was made should become members of Piano-Makers Union No. 1 without paying the initiation fee. It also provided that all machine men employed in the piano factories controlled by the Piano Workers Union should become members of the Amalgamated Union. The executive council of the Woodworkers refused to approve this proposed agreement on the ground that it could not ask men who had been in their union less than two years to become members of another organization. The Piano Workers desired that an agreement of national scope similar to the Chicago agreement be ratified. This was refused on the ground that ''In time our organization would become a union of Machine Woodworkers instead of Factory Workers and bring us back to the years gone by when we had the workers in our industry divided into various organizations, each organization representing a separate branch of the trade.''[47] In the convention of the American Federation of Labor in 1899, the Piano and

[46] Pamphlet entitled, *Condition of the Woodworkers of the United States of North America*, pp. 3, 4, 15. 1892(?).

[47] *Proceedings and Annual Convention Amalgamated Woodworkers Union of America*, 1900, pp. 16–17.

Organ Workers again asked for a charter, describing themselves as a body admitting to membership "All persons employed in the manufacture of pianos, organs and musical instruments, except firemen and engineers." The committee recommended that inasmuch as the jurisdictional dispute as to the case-makers was to be arbitrated, the charter should be granted. The Woodworkers opposed this, however, and again the Piano Workers were disappointed.[48] At the 1901 convention of the American Federation of Labor an agreement was reached betwen the two organizations. All objection to granting a charter to the Piano and Organ Workers was waived, provided that that organization would concede jurisdiction over all machine woodworkers employed in piano and organ factories and require these woodworkers who were members of the Piano and Organ Workers to become members of their organization. All cabinet workers were allowed to retain membership in the Amalgamated Woodworkers and their cards were to be duly recognized by the Piano Workers. Unions of piano workers which at the time were chartered by the Amalgamated Woodworkers were to remain under that jurisdiction. This was to prevent any member of the Amalgamated Woodworkers, except machine woodworkers, from joining the Piano and Organ Workers. No effort was to be made to alienate any woodworker from his organization.[49] The Piano and Organ Workers, not satisfied with gaining a charter which had been refused by two preceding conventions, continued the jurisdictional fight in the next session of the American Federation of Labor, contending that the terms of the agreement had not been lived up to by the Woodworkers and that full jurisdiction should be given them in factories of their industry. The federation refused to comply with this demand.[50] The charter had proved unsatisfactory to both parties and shortly after this, representatives of both organizations met at Toronto and declared that all agreements between the two organizations were null and void, that the whole question of jurisdiction should be submitted to a committee of arbitration to consist of an equal number of repre-

[48] *Proceedings of Convention of American Federation of Labor*, 1899, pp. 141, 142.

[49] *Ibid.*, 1901, pp. 160, 161, 230.

[50] *Ibid.*, 1902, p. 197.

sentatives of the two organizations and a third party selected by them, and that the majority report of the commission should be binding on both organizations. This resolution was favored by a majority of the locals of the Woodworkers.[51]

The most numerous group of disputes which arise because of structural differences of the unions are those between the craft union and the trade amalgamation. This is because there are more trade amalgamations than industrial unions and because the trade amalgamations with a few exceptions have not established themselves as firmly as the industrials. The trade amalgamations do not conflict with each other very often because the line of demarcation with them is not the process but the product. It will not be necessary to enter into all the details of these disputes. They do not differ in principle from disputes between the industrial union and the craft union.

The dispute between the International Association of Machinists and the International Typographical Union arose through the introduction of the linotype into printing offices. The Typographical Union is usually considered a trade union, but in its attempts to control all subdivisions of the industry in printing offices, it has adopted the trade amalgamation policy. From purely craft considerations the linotype machinist is as much a machinist as though he worked in a machine shop. The Typographical Union saw that with the introduction of the linotype two policies were open to it. Either it must take the linotype machinists into its union and thus be able to make agreements including them, or allow them to join the Machinists Union, where they belong from craft considerations. In that case the union would lose control of an important branch of the trade. At first it adopted the latter alternative.[52] The ability to act uniformly for the whole shop whether in peace or in war, and the harm that a rival organization could do the printers, determined the future course of the Typographical Union.

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[51] *Proceedings of Amalgamated Woodworkers' International Union*, 1904, p. 11.

[52] "The laws of the Typographical Union require the machinist to be a union man (not, however, a member of the Typographical Union), but there are many non-union men working in union printing offices. When a machinist comes into a linotype printing office to take charge of machines he is very seldom asked if he is a union man by the printers;

In March, 1896, the American Federation of Labor decided that machinists working on the linotype machine must belong to the International Association of Machinists.[53] At this time it does not appear that the Typographical Union was making strenuous efforts to control this branch of the trade. Certain linotype operators in Brooklyn seceded from the International Association of Machinists and formed themselves into the Associated Type Setting Machine Engineers. At the Louisville convention of the Typographical Union they were refused a charter of affiliation. To this convention President O'Connell of the Machinists sent the following pithy dispatch: "International Association of Machinists protest against granting charter to linotype machinists. We are fully capable of handling that part of the business. We stand ready to assist you always to build up your organization. No breach should come between us now."[54] The rivalry between the two bodies was not settled. In January, 1898, it was reported that all misunderstandings between the two had been settled at a conference at Nashville during the session of the American Federation of Labor's convention. The basis was similar to that between the Brewery Workmen and the Coopers. The printers agreed not to interfere with the machinists who are in charge of linotype machines and the machinists were not to interfere with combination men who are in charge of small plants in small offices. Both unions agreed not to declare any office unfair without the consent of both presidents. Any misunderstanding that might arise was to be adjusted by the two presidents of the organizations in accordance with the laws of each.[55]

As in the case of the coopers and brewery workers this division of work proved unsatisfactory. At the Syracuse convention of the Typographical Union in October, 1898, a law was

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if asked and he says he is, no more is said. Thev take his word for it and never ask to see his working card. If he does not belong to the union a faint kick is made, but the non-union machinist stays there with them. Why the Typographical Union says a machinist must be a union man I cannot see unless they expect the machinist will go out with them if they have trouble. . . . If he has trouble the machinist can do the printers more damage in the case of a strike than the printers can do the machinist."—*Machinists Journal*, vol. VI, no. 8, p. 341.

[53] *Ibid.*, vol. VIII, no. 3, p. 94.

[54] *Ibid.*, pp. 98, 99. This dispatch was received after the consideration of the request of the typesetting engineers.

[55] *Ibid.*, vol. X, no. 1, p. 2.

passed, which was sustained by the referendum, that until July 1, 1899, non-union printing machine tenders might make application for membership in the Typographical Union, and subordinate unions were empowered to admit such to membership irrespective of other laws and customs. After said date all machine tenders should be members of the International Typographical Union. Non-printer members should be permitted to work only at the particular subdivision of the craft in which they were employed at the time of admission.[56]

At the convention of the American Federation of Labor in the same year the machinists presented a resolution providing for the suspension of the International Typographical Union from all benefits and privileges of the American Federation of Labor, provided they did not transfer the machinists working on the linotype within sixty days. Instead of this drastic resolution the grievance committee substituted a scheme of arbitration which after an acrid debate was carried.[57]

The Typographical Union refused to appoint a committee, stating that it refused to arbitrate its own laws. Again at the next convention of the American Federation of Labor the Machinists presented a resolution against the Typographical Union and again the Grievance Committee refused to concede their demands. The decision of the Grievance Committee is simply one more instance of the utter weakness of the American Federation of Labor in deciding disputes of any importance.[58]

As in so many other disputes there has been no logical ending. The good offices of the American Federation of Labor have been of no avail, the arbitration schemes have accomplished nothing, and the controversy, not decided by anybody or on any principle, is won by the stronger union, which in this case is the International Typographical Union.

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[56] *Proceedings Eighth Convention Machinists,* 1899, pp. 331–335. A full discussion is given. Another grievance of the machinists was that certain newspaper proprietors sided with the Typographical Union.

[57] *Report of Proceedings of American Federation of Labor* in *Machinists Journal,* vol. XII, no. 2, pp. 79–84.

[58] The decision of the grievance committee was as follows: "While we concede that in the controversy the International Typographical Union is within its constitutional powers in reserving to itself the right to say whether or not the dispute between the union and the International Association of Machinists on the linotype controversy shall be arbitrated, we deeply

Disputes of a nature like the one just discussed are so numerous that a simple statement of those which have come up for adjustment before the American Federation of Labor within the last decade will give an idea of their importance.

Woodworkers *vs.* Box Makers and Sawyers. (*Proc. A. F. L.*, 1900, p. 15).
Shirt Waist & Laundry Workers *vs.* Team Drivers. (*Ibid.*, p. 153).
Blacksmiths *vs.* Allied Metal Mechanics. (*Ibid.*, 1902, p. 198).
Boot & Shoe Workers *vs.* Counter Workers. (*Ibid.*, 206).
Clerks *vs.* Butcher Workmen. (*Ibid.*, 205).
Electrical Workers *vs.* Street Railway Men. (*Ibid.*, p. 54).
Printing Pressmen *vs.* Typographical Union. (*Ibid.*, p. 211).
Textile Workers *vs.* Silk Weavers. (*Ibid.*, p. 211).
Allied Metal Mechanics *vs.* Plumbers. (*Ibid.*, 1903, p. 249).
Carriage & Wagon Workers *vs.* Painters. (*Ibid.*, p. 238).
Jewelry Workers *vs.* Watch Case Engravers. (*Ibid.*, p. 222).
Ladies Garment Workers & Laundry Workers *vs.* Laundry Workers. (*Ibid.*, 1903, p. 248).
Metal Polishers *vs.* Carriage & Wagon Workers. (*Ibid.*, p. 224).
Painters *vs.* Woodworkers. (*Ibid.*, p. 248).
Sheet Metal Workers & Painters *vs.* United Metal Workers. (*Ibid.*, pp. 150, 151).
Wood Carvers *vs.* Woodworkers. (*Ibid.*, p. 248).
Blacksmiths *vs.* Carriage & Wagon Workers. (*Ibid.*, 1904, p. 209).
Painters *vs.* Car Workers. (*Ibid.*, 1905, p. 195).
Upholsters *vs.* Carriage & Wagon Workers. (*Ibid.*, p. 166).
Machinists *vs.* Elevator Constructors. (*Ibid.*, 1908, pp. 199–200).
Actors *vs.* Electrical Workers *vs.* Theatrical Stage Employees. (*Ibid.*, 1909, pp. 85–86).
Photo-Engravers *vs.* International Typographical Union. (*Ibid.*, p. 298).
Teamsters *vs.* Bakery & Confectionery Workers. (*Ibid.*, 1910, p. 287).
Bookbinders *vs.* International Typographical Union. (*Ibid.*, p. 285).

The last class of disputes which we are to consider involving structural differences are those which are occasioned by craft unions assuming industrial tendencies. It is not always easy to differentiate between a dispute of this nature and one involv-

regret that the International Typographical Union did not accept the expressed desire of the American Federation of Labor in the Detroit convention to submit the dispute to a fair tribunal for adjustment, and instead of declaring by vote or otherwise that we shall take no action in the premises or that the charter of the International Typographical Union be revoked, the American Federation of Labor in convention assembled pledges its good services for further mediation between the organizations concerned and directs the incoming executive council to stand ready to act in that capacity should opportunity for doing so present itself, during the incoming year.'' No opportunity did present itself, as the International Typographical Union was unwilling to arbitrate.

ing a trade amalgamation. For while the trade amalgamation is an incomplete industrial union, a craft union which assumes an industrial tendency closely approaches it. Yet, I think there is a certain value in maintaining the distinction, because a union is not to be considered solely by what it does in every contingency but by what it considers itself to be and by what its habitual jurisdiction and lines of action are. Thus in the dispute between the United Brotherhood of Carpenters and Joiners and the Amalgamated Woodworkers for the control of sash and trim made in factories by machinery, the carpenters assume an industrial position, but simply because the manufacture of sash and trim in factories threatens to take away the work of the carpenters on buildings. Their union does not desire to control other machine woodwork. From purely craft considerations there is no question that the machine woodworkers on sash and trim for buildings should belong to the Amalgamated Woodworkers. The work is similar to all other simple machine woodwork over which the Amalgamated Woodworkers have undisputed sway. On the other hand it differs from any other work, which, so far as technique is concerned, could be termed carpenters' and joiners' work. Furthermore the United Brotherhood of Carpenters and Joiners is a craft union. It has never attempted to gather into its jurisdiction all or even a majority of the trades engaged in woodwork, and except in this one branch it does not attempt to control any factory work. The United Brotherhood has had and has other jurisdictional disputes, but this is the only one in which it has assumed the point of view of the industrial union. This conflict, though of long standing, has grown in violence until today, with probably one or two exceptions, it is the most important which afflicts the trade unions. In 1891 Union No. 7 of New York reported to the convention of Furniture Workers that, "with regard to harmony with the sister trades, such as Carpenters, Varnishers, Builders and Carvers, a great deal is still to be desired despite repeated attempts and agreements which are often purposely ignored by the Carpenters."[59] Union No. 7 in the following convention reported that the Brotherhood of Carpenters and Joiners had endeavored to bring about harmonious

[59] *Eighth Convention of International Furniture Workers of America*, pp. 31, 32.

action and that other carpenters' organizations had been trying hard to force it out of the trade altogether. Local No. 12 of St. Louis stated that they had "compelled recognition on the part of the Carpenters." Local No. 26 of Buffalo favored an amalgamation with the Brotherhood of Carpenters.[60] Up to this time the antagonism between the unions had been local and no official action had been taken by the national bodies either for warfare or for amalgamation. At this convention there was a strong feeling manifested for an amalgamation of the two bodies into a union of woodworkers and kindred trades. This amalgamation was to be complete and to comprise the whole industry.[61] It was decided that the executive committee confer after the adjournment of the convention with the general executive board of the United Brotherhood of Carpenters and Joiners to ascertain whether they were willing to appoint a conference committee in conjunction with a like committee of the Machine Workers.[62]

Though historically the connection between the dispute of the Carpenters and Furniture Workers and later with the Amalgamated Woodworkers is unbroken, nevertheless in this earlier period the basis was different. The object of the Furniture Workers was to form a federation of trades working in wood. The Carpenters and Joiners Union persistently maintained its trade character. Witness the accusation of the Furniture Workers:

> "Among its membership there may often be found the rankest egotism, coupled with a most ridiculous know-nothingism, a combination that cannot so very easily be found to the same extent in any other organization. In matters industrial they are conservative and extremely reactionary in political aspects. Thus leaders to-day still hold the position of the old style moss-back English trade union in spite of the fact that in this present state of the development of capitalistic society every sane man ought to know that the interests of all workers are the same, that the old methods of fighting capital have become and are ever becoming insufficient and must needs be supplanted by others."[63]

With the formation of the Amalgamated Woodworkers and the phenomenal growth of the United Brotherhood of Carpenters and Joiners, the basis of the dispute changed. On one side the Amalgamated Woodworkers dreaded the encroachment of a

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[60] *Ninth Convention of International Furniture Workers,* 1894, pp 13, 15.
[61] *Ibid.,* p. 19.
[62] *Ibid.,* p. 22.
[63] *Condition of the Woodworkers of the United States,* pp. 14, 15, 1892.

mammoth organization on an important branch of the trade; on the other, the United Brotherhood recognized that the ever-increasing use of machinery in the making of sash and trim would take away from them a very important part of carpenter work unless jurisdictional changes were made to meet changing methods of production. The idea of federation passed away and the dispute assumed more clearly a "trade jurisdictional" aspect, with this peculiarity, that the trade or craft union assumed an industrial position and the trade amalgamation or semi-industrial assumed the position of maintaining its trade autonomy.

In 1894 the Carpenters entered into a jurisdictional agreement with the Machine Woodworkers. After the amalgamation of the Furniture Workers Union and the Machine Woodworkers into the Amalgamated Woodworkers, the agreement was abrogated by the United Brotherhood. At the convention of the American Federation of Labor in 1901 the Carpenters charged that woodworkers in Boston were doing carpenters' work; and it was urged that if this were not corrected the charter of the Amalgamated Woodworkers should be taken away.[64] No action was taken at the time, but at the convention of 1902, the executive council brought in a report in which the application of the United Brotherhood was denied and the position of the two unions clearly set forth.[65] The report of the committee advised a conference between the two organizations and it was agreed that committees from both organizations should meet on March 1, 1903. An arbitrator was chosen and the well-known Downey decision gave the work in dispute to the Amalgamated Woodworkers. The United Brotherhood refused to accept the decision of the arbitrator and took an appeal to the convention of the American Federation of Labor, 1903. The United Brotherhood also demanded that the label of the Amalgamated Woodworkers be taken away. The appeal of the United Brotherhood was denied and the Downey decision affirmed.[66] The United Brotherhood has never heeded this

[64] *Proceedings of Convention of American Federation of Labor,* 1901, pp. 91, 251.

[65] *Ibid.,* 1902, pp. 165, 166.

[66] *Ibid.,* 1903, pp. 241, 243, 246.

decision and, being the stronger organization, has been able to inflict serious injury on the Woodworkers. The Woodworkers complained in the convention of the American Federation of Labor 1904 that the decision had been flagrantly violated by the United Brotherhood in many ways, such as "encouraging their members to take the places of striking woodworkers, breaking up our unions and offering inducements to our members to secede from our organization."[67] The committee on grievances reported, "That the representatives of the two organizations seemed to be in no frame of mind to adjust their differences and for this reason we regret to report our inability to make recommendations."[68] The delegates of the rival organizations at the Pittsburg convention of the American Federation of Labor in 1905 formally signified their willingness to enter into a temporary trade agreement, although the delegates had no power to enforce the agreement. This agreement was to include all men working in mills and factories. Pending negotiations, hostility between the organizations was to cease and a conference was to be held in Indianapolis in January, 1906. President Gompers was to act as an advisor, but not in the capacity of arbitrator.[69] This conference was of no avail. The grievance committee reported back to the convention of the American Federation of Labor as follows:

"Not only has the strife become more bitter between the memberships of these respective organizations, but it has resulted in one of them declaring unfair a firm in which the other organization has an agreement for the conducting of a union shop under union conditions. When a jurisdiction dispute between two organizations reaches such an acute stage that it not only involves the membership but also employers who are decidly inclined to be fair toward labor and particularly towards organized labor, it reaches a stage which makes us halt and think whether such a course does not vitiate much of the good resulting from our organized effort. Surely the interests of our fellow workers are not advanced by such a procedure.

"We are at a loss as to the course to pursue other than to impress upon all the necessity of making heroic efforts for the purpose of adjusting inter-union differences whether of jurisdiction or otherwise. In any event, fairly inclined employers should not be placed in the position of becoming innocent sufferers from our internal contentions."[70]

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[67] *Proceedings of Convention of American Federation of Labor*, 1904, p. 219.

[68] *Ibid.*, p. 233.

[69] *Ibid.*, 1905, pp. 226–228.

[70] *Ibid.*, 1906, pp. 208, 210. Report of Grievance Committee.

In 1906 the Woodworkers and the Carpenters entered into an agreement which it was hoped would end the difficulties of the two bodies. The provisions were: (1) complete amalgamation within two years from November 1, 1906; (2) the officers or their successors and the organizers of the Amalgamated Woodworkers should supervise and manage the affairs of the Woodworkers until amalgamation took place; (3) woodworkers, who were claimed by the Amalgamated Woodworkers, should, wherever practicable, be organized under a charter of either organization of their choice; (4) woodworkers and carpenters might join in mixed locals under the United Brotherhood of Carpenters in centers where there were not sufficient numbers to maintain separate charters; (5) local unions then attached to the organizations in interest should remain in such affiliation until the consummation of the amalgamation; (6) in case of a strike or lockout which involved the members of the Amalgamated Woodworkers, after vote should have been taken and approved to amalgamate, if the funds of the Amalgamated Woodworkers were sufficient to support their members in the trade controversy, the funds of the United Brotherhood should not be called upon to defray said expenses, but if the funds were insufficient and the proposed trade movement or lockout was approved by the general executive board of the United Brotherhood, it should be supported out of the funds of the United Brotherhood; (7) all trade agreements of the Amalgamated Woodworkers and United Brotherhood in force on November 1, 1906, should be respected and lived up to by all concerned, except the clauses specifying members of the United Brotherhood or members of the Amalgamated Woodworkers. New agreements should not extend beyond November 1, 1908, the period of this amalgamation. Members of either organization might work in shops where such agreements existed without violating this contract; (8) this agreement should be subject to ratification by both organizations in accordance with their respective laws; (9) all hostilities of whatever nature between the two organizations should immediately terminate and be withdrawn as an evidence of good faith, without discrimination to the members of either organization; (10) it was herewith

agreed that this plan of amalgamation be submitted and recommended for adoption to both organizations by the executive officers representing each.

This was a distinct surrender on the part of the officers of the Amalgamated Woodworkers. It was an admission of the impossibility of upholding the Downey decision. Amalgamation would mean surrender of the work in dispute by the Amalgamated Woodworkers. This very elaborate plan of amalgamation was of no immediate importance. The customary resolution of censure of the United Brotherhood of Carpenters was introduced at the next convention of the American Federation of Labor and was withdrawn when the committee reported that the officers of the Woodworkers had not submitted the plan of amalgamation to their union.[71] The fight continued unabated. The Federation of Labor or at least the controlling members dissented from the original decision of the controversy. We find President Gompers urging the Amalgamated Woodworkers to amalgamate with the United Brotherhood.[72] In 1909 a similar agreement to the one quoted above was arranged between the officers of the two bodies. This was to be effective till November 1, 1910.[73] The convention endorsed the agreement. A referendum of the Amalgamated Woodworkers refused to endorse the amalgamation plan and their officers refused to meet the Carpenters' officials to discuss plans of amalgamation. The American Federation of Labor threatened to revoke the charter of the Woodworkers in April, 1911, if they did not agree to the amalgamation proposed.[74]

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[71] *Proceedings of American Federation of Labor,* 1907, pp. 270, 271.
[72] *Ibid.,* 1909, p. 83.
[73] *Ibid.,* pp. 290, 291.
[74] *Ibid.,* 1910, pp. 105, 106.

THE GUIDING POLICIES OF THE A. F. OF L. IN DECIDING DISPUTES

The American Federation of Labor is a voluntary association of national and international unions, local unions unaffiliated with national unions, labor councils and state, territorial and provincial federations. It has never attempted, despite frequent suggestions, to exercise a coercive control over its members. Its members may make any kind of agreement or no agreement, as they may desire, with employers, they may establish a minimum wage at will, they may establish hours or shop rules independently of the Federation. They may enter sympathetic agreements with unaffiliated unions and they may remain aloof from sympathetic agreements with affiliated unions. They may organize along craft, industrial, or semi-industrial lines. The power which the Federation possesses rests solely in the moral and occasional financial support which it gives to affiliated unions, though this support is also given to unaffiliated unions. It is not a coercive or militant organization. It is strong only in so far as it is able to focus and reflect the general position of organized labor upon political and industrial questions. To be efficient it must include as many of the labor organizations as it can possibly attract. Its admission requirements must not be too onerous and its method of disciplining recalcitrant affiliated unions must not be too harsh. In short, to be the representative of the hopes and aspirations of the labor movement it must not assume any powers which may prove irksome even to an influential minority of its membership. This loose form of organization has one distinct advantage, inasmuch as it makes possible an organization covering a very wide field. The Federation is weak in so far as it is not able to carry out its principles or to enforce its decrees with that energy which marks the highest efficiency.

The early history of the Federation is singularly free from jurisdictional disputes of the kind discussed in this paper. Its early efforts were devoted to perfecting its organization and defending itself against the Knights of Labor. The struggle with the Knights of Labor brings out clearly the principle of trade

autonomy, which from the beginning and up to the present time has been influential in deciding its course of action.

The Federation of Organized Trades and Labor Unions of the United States and Canada, from which the American Federation of Labor developed, met in Pittsburg in 1881. It was to consist of "such trades and labor unions as shall after being duly admitted conform to its rules and regulations and pay all contributions required to carry out the objects of this Federation."[75] The objects were: (1) the encouragement and formation of trades and labor unions; (2) the encouragement and formation of trade and labor assemblies or councils; (3) the encouragement and formation of national and international trade unions.[76] The constitution remained practically unchanged till the convention of 1884, when it was amended so that among its objects was included the securing of the autonomy of national and international unions.[77]

Thus before the establishment of the American Federation of Labor the doctrine of trade autonomy was incorporated in its constitution and policy. It would be an error to suppose that jurisdictional controversies between the affiliated unions led to this. It was because of the conflict with the Knights of Labor, who through their district assemblies, threatened the jurisdiction of the national and international unions. The first constitution of the American Federation of Labor restated the doctrine of trade autonomy even more vigorously.[78]

The American Federation has gradually improved its mechanism for the settlement of controversies. They are referred to the grievance committee, which ordinarily in important cases orders them referred to the Executive Council, or if the dispute originates during the interval between conventions the Executive Council makes recommendations to the convention. The grievance committee is appointed by the president and it exists only during the convention. The Executive Council is elected and serves throughout the year. The procedure is to refuse to make a decision till

[75] *Federation of Organized Trades and Labor Unions*, 1881, Article I of Constitution.

[76] *Ibid.*, Article II.

[77] *Ibid.*, 1884, Article I of Constitution, Sec. 4.

[78] *Proceedings of American Federation of Labor*, 1886, Article II of Constitution, Sec. 2.

the parties in dispute have first conferred. This mechanism has been further improved by the building trades' method of submitting disputes to a special building trades' department and metal trades' disputes to the metal trades department. These departments do not usurp the prerogative of the Executive Council, but they are supposed to know intimately the questions involved in the jurisdictional controversies that came before them.

By 1901 the American Federation of Labor was completely at sea as to how the numerous questions of jurisdiction that came before it were to be decided. By this time the Brewery Workmen's dispute and particularly the miners' disputes with the engineers had reached fever heat and the simple policy of deciding according to the principle of trade autonomy seemed doomed to failure, owing to the growth of these industrial unions. A special committee to consider the question was selected, of which John Mitchell, then president of the United Mine Workers, was the guiding spirit. Though president of the largest union in the Federation and one which was successfully working out the principle of industrialism, Mitchell represented the conservative trade autonomy party in the Federation. The other members of the committee were Samuel Gompers, James Duncan, John Mulholland, and C. N. Hughes, all conservative trade unionists. This report admitted the impossibility of determining the exact point where one trade ended and another began and the impossibility of drawing any hard and fast line by which all trade unions could be governed. The committee reiterated its adherence to organization along trade lines and felt that it was neither necessary nor expedient to make a radical departure from this principle. It made an exception in the case of the isolated industries "far from thickly populated centers where the overwhelming number follow one branch; . . ." in such industries the committee approved of jurisdiction going to the paramount union.[79] This is as far as the American Federation of Labor has ever put itself on record as favorable to the extension of the industrial idea. At the other extreme is the position of the Socialist faction, whose position is indicated by resolutions introduced by Victor Berger at various conventions

[79] *Proceedings of the American Federation of Labor,* 1901, p. 240.

of the American Federation of Labor. Trade autonomy according to this faction "is but the application to the labor movement of the outworn principle of individualism." The development of modern machinery and of industrial processes on a large scale is in fact creating identity of interests among many crafts hitherto only slightly related. It is the cause of constant jealousy on the part of the various unions affected. Therefore the principle of industrial organization is urged upon those crafts which are bound with others by the use of the same machinery, by contract in the same productive process, or by working for a common employer or group of organized employers.[80] This point of view has not met with favor from the leaders of the federation or from the rank and file.

A more moderate view but one which offers no principle for discussion is that proposed by Walter Macarthur of the seamen's Union.[81]

> Whereas, the recurrence of jurisdiction disputes in the conventions of the American Federation of Labor occupies much time and effort which could be better devoted to devising and perfecting measures of common defense against the common opposition to organized labor; therefore be it resolved that the following recommendations are submitted to the affiliated organizations, as a basis of temporary adjustment and final settlement, to-wit:
>
> 1. Except in the case of those disputes satisfactorily adjusted by this or any preceding convention by mutual agreement or by other means, organizations now in disagreement, or which may hereafter disagree upon questions of jurisdiction, shall permit the disputed points to rest in abeyance for the period of one year from this date.
>
> 2. During this period each organization in question shall be permitted to retain and exercise jurisdiction so far as the same is actually established at the time of disagreement, certificates of membership to be accepted as prima facie evidence of jurisdiction.
>
> 3. During this period men and women holding certificates of membership in two or more organizations involved in a dispute as to jurisdiction shall, should the question of jurisdiction over such men and women be raised by either or any organization, be required and permitted to individually choose the organization to which they prefer to acknowledge allegiance. Having so chosen such men and women shall be conceded to the jurisdiction of the organizations to which they have respectively tendered their allegiance.

[80] *Proceedings American Federation of Labor*, 1905, p. 158.

[81] *Ibid.*, 1904, p. 158.

4. During this period the respective organizations shall continue the work of organization among non-unionists, and shall have and exercise jurisdiction over those thus organized, with the assistance and support of the American Federation of Labor, and without let or hindrance from any other source.

Since the doctrine of trade or craft autonomy, with certain slight modifications, is the basis for settlement adopted by the American Federation of Labor, we must investigate the validity of a determination upon this basis. Among the unions which form the American Federation of Labor is there any great appreciation of the doctrine of autonomy and does the history of these organizations, or of those unaffiliated, show an effort to preserve it? We must first come to some realization of what is meant by a trade or craft. We may define a craft as an occupation which is conducted with definite tools or machinery upon definite material or materials and involving a peculiar skill requirement. Fellow-craftsmen are men engaged in precisely the same occupations. If we ignore any of these requisites, we immediately change the craft and are involved in conflicts of interests. From the very early history of the trade union movement, or at least from the moment when unions began to organize nationally, we meet, as a rule, not a simple trade union, but a combination of closely related trades, related either because of similarity of technique or because they work upon the same product. In short, for either of these reasons it was realized that division was dangerous and solidarity was advantageous. Thus the Bricklayers and Masons Union from its beginning included these crafts of similar though not identical techniques. The Carpenters and Joiners similarly involved two closely related crafts. The Typographical Union from the beginning of its national organization attempted to control the printing shop. The Machinists, Plumbers, Blacksmiths, Sheet Metal Workers, Iron Moulders included helpers and apprentices, who though in training for the parent craft, have different skill requirements and quite frequently diametrically opposed interests in the craft. The basis for association in these cases is: (1) the influence for evil that an unregulated apprentice and helper system may have upon the parent craft. (2) the ease with which in certain of these crafts the helper may be converted

into a journeyman. Even the Cigar-Makers Union, which at first sight seems distinctly committed to the craft form and policy, has protested and with success against the formation of distinct and separate Stogie-Makers Unions; and yet any one who is familiar with the technique of cigar-making easily recognizes a wide dissimilarity in skill between the occupations. If we except certain of the Railroad Brotherhood and a few crafts which do not permit of subdivision, it would be difficult to find an important union which included only one kind of skill, or whose members work with identical tools and upon the same material. The basis of organization of even the oldest and most conservative trade unions begins with an amalgamation of crafts based upon a rough similarity of interests and skill requirements. A definition which would fit a majority of the influential trade unions (barring the Railroad Brotherhood, and a few others) would be a combination of workers whose interests are so closely allied that unified collective action is to the advantage of the trades involved. Any attempt therefore, to base a decision in a jurisdictional dispute upon the ground of maintaining trade autonomy is adopting a purely hypothetical supposition of what does exist and of what has existed. An attempt to decide jurisdictional troubles upon the doctrine of trade autonomy is in practice an attempt to maintain the *status quo* in a condition of unstable equilibrium.

Since the old unions have been organized upon the plan of gathering those trades which are closely related in interests, is there any violation of this principle in the formation of industrial unions or trade amalgamations? Is there any break in structural evolution or is there merely a continuity of development? The industrial union and the trade amalgamation have developed as industry has developed. Two factors have conspired to their growth. 1. Increased integration of industry which has resulted in a combination of many processes in one factory or under one management. 2. Equalization and standardization of skill in many occupations due to the introduction of machinery. The industrial union and the trade amalgamation cuts across the grain of many trades and splits and shatters them as it crashes through. But though their structure is antag-

onistic, the reason for their organization is precisely the same as for the so-called craft unions.

This reasoning does not lead us to the immediate acceptance of the socialist program of complete and immediate industrialization, though it does indicate a tendency towards an ever increasing industrial form. The majority of the unions still solemnly assert the doctrine of trade autonomy even when they violate it most. Furthermore, in many of the unions, except those that have adopted consciously the industrial form, there is still a closer craft interest than industrial interest. The very grave question which confronts the Federation of Labor and the whole labor movement is whether the craft unions and federation can develop enough flexibility of structure to bring the newer types into harmony with the old or whether the industrial form will develop on the ruins of the craft unions and the federation.

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AUTHOR'S NOTE

Work upon this monograph was conducted at Johns Hopkins University. The collection of trade-union documents there gathered were the sources used; supplemented by interviews with officials of the unions. My thanks are due to Professors Jacob H. Hollander and George E. Barnett for their guidance.

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Solomon Blum was born in Baltimore, Maryland, January 9, 1883. He was educated in the public and private schools of Baltimore. He took the A.B. degree at Johns Hopkins University in 1903 and the Ph.D. degree from the same institution in 1907. During 1907–08 he was Fellow in Research at the School for Social Workers, Boston. He served as Assistant and Instructor in Economics at the University of California from 1909–12.

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